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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1998]

GE.98-11290 (E)

1. International Educational Development/Humanitarian Law Project, working in close collaboration with the Mexican Human Rights Network "All rights for all", which includes 48 human rights organizations, expresses its deep concern for the deteriorating human rights situation in Mexico.

2. The appalling massacre in Acteal, Chiapas, by paramilitary forces just three days before Christmas provides further evidence of the lack of the rule of law in Mexico. Many men, women and children were shot in the back or hacked to death with machetes while they knelt at the chapel; having been forewarned of the event, they were praying for peace. The paramilitary squad murdered 45 people: 9 men, 21 women and 14 children; the youngest being a two-month-old baby. According to witnesses, four of the women were pregnant and the assailants hacked the foetuses from their wombs.

3. The carnage continued over a period of four hours just a few hundred metres from public security barracks; eyewitnesses state that public security officers looked on. Furthermore, according to the National Human Rights Commission, a local priest informed the authorities that gunfire was being heard and security agents were sent to the community during the time that the death squad was continuing to murder. They reported that nothing unusual was occurring.

4. The tragedy of Acteal is not an isolated incident. Over the last few years, human rights missions including both national and international NGOs have been producing documented reports describing extrajudicial executions, torture, arbitrary detention and other violence. There are more than nine well-documented paramilitary groups which enjoy support from the ruling party PRI (Revolutionary Institutional Party) in Chiapas alone. 1/

5. The tragic events that occurred in Chiapas are representative of a much larger problem in Mexico regarding the endemic abuse of human rights throughout the country. Paramilitary groups operate with impunity and support from the PRI in other states including Oaxaca, Guerrero, Sonora, Campeche and Tabasco.

6. Disappearances and extrajudicial executions have increased significantly; 2/ arbitrary detentions are a frequent practice; torture is commonly used in interrogations by the police who enjoy virtually total impunity; and the judiciary is subordinate to the executive power which is leading to the systematic abuse of the principles of access to justice and equality in the eyes of the law. On a recent visit to Mexico, Pierre Sane, Secretary-General of Amnesty International, stated that, "in Mexico there is a human rights crisis".

7. The link between human rights violations and government officials at the highest levels can be characterized by recent compelling evidence of the involvement of the Morelos state police, including the Attorney-General, in a kidnapping ring. 3/ Equally documented evidence exists regarding electoral malpractice in Campeche including torture, rape and simulated executions which, according to several witnesses, has included the participation of the Attorney-General. Furthermore, the Ministry of Police has refused to register complaints or instigate investigations. 4/

Disappearances and extrajudicial executions

8. The increase in disappearances and extrajudicial executions during the present regime is of extreme concern. According to the National Human Rights Commission, reported cases of disappearances increased by 44 per cent in 1997. 5/

9. From June 1995 to date, there have been more than 100 community leaders and members of the Partido Democratico Revolucionario (PRD) assassinated whose bodies clearly show signs of extrajudicial execution. None of these executions have been duly investigated. Over 400 political murders occurred between 1988 and 1996 that remain unsolved. 6/

Torture

10. In Mexico, torture continues to be the principal method used in police investigations. In April 1997, the United Nations Committee against Torture expressed its concern that torture had continued as a systematic practice in Mexico, especially by the judicial authorities, federal as well as local, and recently by members of the armed forces. In the opinion of the Committee, torture was the result of, among other factors, the impunity enjoyed by torturers, and the admission of confessions and statements obtained under torture as evidence in trials, despite the legal provisions explicitly declaring them inadmissible. 7/

Military intervention

11. Military intervention in internal security without the creation of appropriate accountability mechanisms brings with it grave consequences for the lives of campesino communities including the eviction of people from their land, interrogations, prostitution, alcoholism, rape and assault.

12. Furthermore, the substitution of military personnel within the Office of the Attorney-General of the Republic for civil personnel and the increasingly frequent appointment of active and retired military officials in advisory posts with municipal and state police forces is of great concern.

Persecution of human rights defenders

13. Since 1995 more than 100 human rights defenders from different human rights organizations have received death threats, been physically intimidated, persecuted, threatened with abduction, disappearance or rape, have been victims of surveillance of their private homes and offices, or have suffered robberies of documents and information. 8/

14. The Government has also expelled several international NGOs visiting Mexico to monitor the respect or violation of human rights, which indicates that the Government is trying to impede national monitoring of human rights violations. Furthermore, Mexico occupies, along with Peru and Colombia, first place in Latin America for persecution of journalists. Since President Zedillo took power, 11 journalists have been murdered and more than 125 have been physically assaulted, 9 kidnapped, and 74 suffered censorship of their work. 9/

Conclusions and recommendations

15. While the present regime can be applauded for the increased democratization of the country, the levels of violations outlined in this report reflect the entrenched nature of abuse and impunity that continue to exist within the Mexican authorities. The unchanging nature of these institutions, coupled with the economic imperatives of the present regime, is leading to policies and legislation that are further putting at risk the most marginal and defenceless in Mexican society.

16. The following concrete reforms are urgently required to fight against the continuing impunity and human rights violations in Mexico:

(a) Government compliance with the Agreements of San Andrés, and the investigation, disarmament and punishment of paramilitary groups which operate in the country as well as punishing the intellectual authors of the Acteal massacre;

(b) The removal of the military from civil duties and the removal of the army from Chiapas communities in compliance with the Law for Dialogue, Conciliation and Dignified Peace in Chiapas;

(c) The creation of an independent judiciary in which the presumption of innocence is observed with vigour and which includes the establishment of a professional career structure and the elimination of political nominations;

(d) The establishment of professional, trained, career-orientated police bodies which are accountable for their actions and which have true investigating skills;

(e) The establishment of adequate defence mechanisms for persons with limited resources, which includes an increase in the number of public defenders as well as improving their training and salary;

(f) The implementation of the concluding observations of the United Nations Committee against Torture adopted on 30 April 1997;

(g) The ratification by Mexico of international instruments which recognize the competence of international bodies to examine individual abuses, including the Inter-American Court of Human Rights, the United Nations Human Rights Committee, the United Nations Committee against Torture and the United Nations Committee on the Elimination of Racial Discrimination;

(h) That the incumbents of the National and State Human Rights Commissions be nominated by the legislative power and not by the executive in order to confer real independence and strengthen these bodies.

17. We call on the national and international community to voice their concerns regarding violations of human rights in Mexico and to encourage the Mexican authorities to comply with their obligations under both national and

international law. We also ask that verification visits be undertaken by international institutions, including the creation of a special rapporteur in the United Nations, to advance the process of creating a climate of respect for human rights in this country.

Notes

1/ "Chiapas: la guerra en curso", Centro de Derechos Humanos Miguel Agustín Pro Juárez, A.C., (Prodh), February 1998.

2/ According to the United Nations Working Group on Enforced or Involuntary Disappearances, Mexico is among the top five countries with the most disappearances between 1994 and 1996.

3/ Proceso, 15 February 1998, pp. 14-19.

4/ "Dictamen sobre los eventos represivos del 11 de septiembre y el 19 de octubre en la ciudad de Campeche, Camp., desde la perspectiva de los derechos humanos", Prodh, February 1998.

5/ Reforma 6A, 19 February 1998.

6/ Registry of the Ministry of Human Rights and Indigenous Communities of the National Executive Committee of the PRD. Some of the cases of torture and extrajudicial executions have been accepted for investigation by the Inter-American Commission on Human Rights.

7/ Concluding observations of the United Nations Committee against Torture adopted 30 April 1997.

8/ "Repression and harassment in Mexico of human rights defenders, social organizations, and journalists", National Network of Civil Organizations for Human Rights "All rights for all", May 1997.

9/ Raymundo Riva Palacios, "Radiografía de la intolerancia", The Interamerican Press Society.